

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>)</b>	<b>ORDER DISMISSING</b>
<b>BY DENISE HAERTER, SIOUX FALLS, SOUTH )</b>	<b>)</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST MIDCONTINENT )</b>	<b>)</b>	<b>DOCKET</b>
<b>COMMUNICATIONS, INC. AND QWEST )</b>	<b>)</b>	
<b>CORPORATION REGARDING )</b>	<b>)</b>	<b>CT01-039</b>
<b>UNAUTHORIZED SWITCHING OF SERVICES )</b>	<b>)</b>	

On September 7, 2001, the Public Utilities Commission (Commission) received a complaint filed by Denise Haerter, Sioux Falls, South Dakota (Complainant), against Midcontinent Communications, Inc. (Midcontinent) and Qwest Corporation (Qwest) regarding unauthorized switching of services.

On September 7, 2001, the complaint was faxed to Midcontinent and Qwest. Pursuant to ARSD 20:10:01:09, Midcontinent and Qwest were notified that they must satisfy the complaint or file answers in writing with the Commission by September 27, 2001. On September 27, 2001, the Commission received an answer from Midcontinent and on September 28, 2001, the Commission received an answer from Qwest. On October 4, 2001, the Commission received a Motion to Dismiss from Qwest. A hearing in this matter was scheduled for October 10, 2001. By order dated October 9, 2001, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On October 23, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 31st day of October, 2001.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
JAMES A. BURG, Chairman

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PAM NELSON, Commissioner

